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Agenda item 71 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee*

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session, under the item entitled "Human rights questions", the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", and to allocate it to the Third Committee.

2. The Committee considered the item at its 23rd to 35th, 37th, 39th to 43rd and 45th to 48th meetings, from 25 to 28 and on 31 October and on 2, from 7 to 10, 15 to 18 and 21 to 23 November. At its 23rd to 34th meetings, the Committee held a general discussion on 71 (b) jointly with sub-items (c) and (e). An account of the Committee's discussion is contained in the relevant summary records (A/C.3/60/SR.23-35, 37, 39-43 and 45-48).

3. For the documents before the Committee under this item, see A/60/509.

4. At the 23rd meeting, on 25 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Canada, Pakistan, the Libyan Arab Jamahiriya, Venezuela (the Bolivarian Republic of), Cuba, Iraq, China, the United Kingdom of Great Britain and Northern Ireland and Costa Rica (see A/C.3/60/SR.23).

5. At the same meeting, introductory statements were made by the Director of the New York Office of the United Nations High Commissioner for Human Rights and

* The report of the Committee on this item will be issued in six parts, under the symbol A/60/509 and Add.1-5.

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the Director of the Division for Social Policy and Development of the Department of Economic and Social Affairs (see A/C.3/60/SR.23).

6. At its 24th meeting, on 26 October, the Committee heard an introductory statement by the Special Representative of the Secretary-General on the situation of human rights defenders. The Committee engaged in a dialogue with the Special Representative in which the representatives of Brazil, Canada, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Switzerland and Norway took part (A/C.3/60/SR.24).

7. At the same meeting, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism made an introductory statement and engaged in a dialogue with the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Jordan, Pakistan and Switzerland (see A/C.3/60/SR.24).

8. At the 25th meeting, on 26 October, the Special Rapporteur on freedom of religion or belief made an introductory statement and engaged in a dialogue with the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Nigeria, Pakistan, Canada, the United States of America and Egypt (A/C.3/60/SR.25).

9. At the same meeting, the Special Rapporteur on the independence of judges and lawyers made an introductory statement and engaged in a dialogue with the representatives of Ecuador, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, Switzerland and Iraq (see A/C.3/60/SR.25).

10. At the 26th meeting, of 27 October, the Special Rapporteur on the right to food made an introductory statement (see A/C.3/60/SR.26).

11. At the 27th meeting, on 27 October, the Special Rapporteur on the right to food engaged in a dialogue with the representatives of Tunisia, China, the Sudan, Venezuela (Bolivarian Republic of), the United States of America, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Niger, Togo, Guatemala, India, the Democratic People's Republic of Korea, Cuba, the Islamic Republic of Iran, Norway, Canada and Switzerland (see A/C.3/60/SR.27).

12. At the same meeting, the Chairperson-Rapporteur of the Working Group on the Right to Development of the Commission on Human Rights made an introductory statement and engaged in a dialogue with the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), China and Cuba (see A/C.3/60/SR.27).

13. At the 28th meeting, on 28 October, the Special Rapporteur on the human rights of migrants made an introductory statement and engaged in a dialogue with the representatives of Pakistan, Brazil, Mexico, the United Kingdom of Great

Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and Kuwait (see A/C.3/60/SR.28).

14. At the same meeting, the Representative of the Secretary-General on the human rights of internally displaced persons made an introductory statement (see A/C.3/60/SR.28).

15. At the 29th meeting, on 28 October, the Representative of the Secretary-General on the human rights of internally displaced persons engaged in a dialogue with the representatives of Serbia and Montenegro, Nigeria, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), the Sudan and Switzerland (see A/C.3/60/SR.29).

16. At the same meeting, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health made an introductory statement and engaged in a dialogue with the representatives of New Zealand, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), China, Brazil and Switzerland (see A/C.3/60/SR.29).

17. Also at the same meeting, the Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, made an introductory statement and engaged in a dialogue with the representatives of Cuba and Tunisia (see A/C.3/60/SR.29).

II. Consideration of draft resolution A/C.3/60/L.28

18. At the 33rd meeting, on 2 November, the representative of Mexico, on behalf of Algeria, Antigua and Barbuda, Argentina, Brazil, Canada, Chile, China, Colombia, Costa Rica, Croatia, Cuba, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Grenada, Guatemala, Indonesia, Israel, Jordan, Kenya, Mali, Mauritius, Mexico, Morocco, Namibia, New Zealand, Nicaragua, Panama, Peru, Philippines, the Republic of Korea, Saint Vincent and the Grenadines, San Marino, South Africa, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey and Venezuela (Bolivarian Republic of) introduced a draft resolution entitled "Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities" (A/C.3/60/L.28), and orally revised the draft resolution by replacing, in the third preambular paragraph, the words "indivisibility and interdependence" with the words "indivisibility, interdependence and interrelatedness". Subsequently, Albania, Andorra, Angola, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Botswana, Burkina Faso, Cameroon, Cape Verde, the Congo, Côte d'Ivoire, Cyprus, the Czech Republic, the Democratic People's Republic of Korea, Denmark, Eritrea, Estonia, Finland, France, Georgia, Ghana, Greece, Guinea, Honduras, Hungary, Iceland, Iraq, Ireland, Italy, Jamaica, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malta, Monaco, Mongolia, the Netherlands, Nigeria, Norway, Paraguay, Poland, Portugal, the Republic of Moldova, Romania, Senegal, Serbia and Montenegro, Sierra Leone, Slovakia, Slovenia, Spain, the Sudan, Sweden, Uganda, Ukraine, the United Kingdom of Great Britain and Northern

Ireland, the United Republic of Tanzania, Uruguay, Zambia and Zimbabwe joined in sponsoring the draft resolution.

19. At its 39th meeting, on 10 November, the Committee had before it the statement of programme budget implications of the draft resolution contained in A/C.3/60/L.58.

20. At the same meeting, following the statement by the representative of the United States of America (see A/C.3/60/SR.39), the Committee adopted draft resolution A/C.3/60/L.28, as orally revised, without a vote (see para. 21).

III. Recommendation of the Third Committee

21. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities

The General Assembly,

Recalling its resolution 56/168 of 19 December 2001, by which it decided to establish an Ad Hoc Committee, open to the participation of all Member States and observers to the United Nations, to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities, based on a holistic approach in the work done in the fields of social development, human rights and non-discrimination and taking into account the recommendations of the Commission on Human Rights and the Commission for Social Development,

Recalling also its resolution 59/198 of 20 December 2004, as well as relevant resolutions of the Commission for Social Development and the Commission on Human Rights,

Reaffirming the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination,

Convinced of the contribution that a convention will make in this regard, and encouraged by the increased support of the international community for such a convention,

Welcoming with satisfaction the progress achieved so far in the negotiations on a draft convention,

Stressing the importance of the active participation of intergovernmental and non-governmental organizations and national human rights institutions in the work of the Ad Hoc Committee, and their valuable contribution to the promotion of the full enjoyment of all human rights and fundamental freedoms by persons with disabilities,

Underlining the importance of the participation of the Special Rapporteur on disability of the Commission for Social Development in the work of the Ad Hoc Committee,

Recognizing the important contributions made thus far to the Ad Hoc Committee by all stakeholders,

1. *Welcomes* the reports of the Ad Hoc Committee on a Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities on its fifth[1] and sixth[2] sessions;

2. *Requests* the Secretary-General to transmit the reports of the Ad Hoc Committee to the Commission for Social Development at its forty-fourth session and to the Commission on Human Rights at its sixty-second session, and requests both Commissions to continue to contribute to the work of the Ad Hoc Committee;

3. *Invites* Member States and observers to continue to participate actively and constructively in the Ad Hoc Committee with the aim of concluding a draft text of a convention and submitting it to the General Assembly, as a matter of priority, for its adoption, preferably at its sixty-first session;

4. *Decides* that the Ad Hoc Committee shall hold, within existing resources, prior to the sixty-first session of the General Assembly, two sessions in 2006, one of fifteen working days from 16 January to 3 February, in order to achieve a complete reading of the draft text of a convention prepared by the Chairman of the Ad Hoc Committee and one of ten working days from 7 to 18 August;

5. *Underlines* the importance of further strengthening the cooperation and coordination between the Office of the United Nations High Commissioner for Human Rights and the Department of Economic and Social Affairs of the Secretariat in order to provide technical support to the work of the Ad Hoc Committee, and invites them to provide, in advance of the meetings of the Ad Hoc Committee, background documentation to assist Member States and observers in the negotiation of a draft convention, and to organize, in close connection and timing with the meetings and venue of the Ad Hoc Committee, meetings of experts and seminars in relation to the draft convention, within existing resources;

6. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work, and in this context invites the Secretary-General to reallocate resources to the United Nations Programme on Disability so as to provide support to the negotiations on a draft convention;

7. *Stresses* the need for additional efforts to ensure accessibility at the United Nations, with reasonable accommodation regarding facilities and documentation, for all persons with disabilities, in accordance with General Assembly decision 56/474 of 23 July 2002;

8. *Requests* the Secretary-General to explore and implement innovative measures, within existing resources and in consultation with organizations of persons with disabilities and the Bureau of the Ad Hoc Committee, for the provision of selected documents of the Ad Hoc Committee in formats accessible to participants with visual and hearing disabilities;

9. *Encourages* Member States to continue to include in their delegations to the Ad Hoc Committee persons with disabilities and/or other experts in the field;

10. *Urges* Member States, observers, civil society, international organizations, financial institutions and the private sector to contribute to the

[1] A/AC.265/2005/2.

[2] A/60/266.

voluntary fund established pursuant to its resolution 57/229 of 18 December 2002 to support the participation of non-governmental organizations and experts from developing countries, in particular least developed countries, in the work of the Ad Hoc Committee;

11. *Requests* the Secretary-General to disseminate widely to non-governmental organizations all available information on accreditation procedures, modalities and supportive measures for their participation in the work of the Ad Hoc Committee, as well as the criteria for the financial assistance that is available through the voluntary fund;

12. *Also requests* the Secretary-General to transmit a comprehensive report of the Ad Hoc Committee and to report on the implementation of paragraphs 5, 6, 7, 8 and 11 of the present resolution to the General Assembly at its sixty-first session.